

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**BMG RIGHTS MANAGEMENT  
(US) LLC, and ROUND HILL  
MUSIC LP**

Plaintiffs,

V.

Case No. 1:14-cv-1611(LO/JFA)

**COX COMMUNICATIONS, INC.,  
COXCOM, LLC**

Defendants.

**BMG RIGHTS MANAGEMENT (US) LLC AND ROUND HILL MUSIC LP'S  
MOTION TO EXCLUDE PORTIONS OF THE EXPERT REPORT AND LIMIT THE  
TRIAL TESTIMONY OF COX'S EXPERT WILLIAM ROSENBLATT**

Pursuant to this Court’s scheduling order of August 20, 2015 (Dkt. 234), Federal Rule of Evidence 104, and the standard for expert testimony articulated by the Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), BMG Rights Management (US) LLC and Round Hill Music LP (“Plaintiffs”) hereby move to exclude certain portions of William Rosenblatt’s expert reports and opinion, and to correspondingly limit the scope of his testimony for trial. As explained below, Mr. Rosenblatt offers opinions on virtually every issue in this case. This Court’s gatekeeper function should be exercised with respect to four areas of his opinion: (1) the DMCA; (2) whether Cox reasonably implemented a repeat infringer policy; (3) the policies of other ISPs; and (4) comparisons of the Rightscorp source code to MarkMonitor’s infringement identification software.

For the reasons set forth in the accompanying Memorandum in Support, the Court should grant the Motion.

October 23, 2015

Respectfully submitted,

/s/ Jeremy D. Engle

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2015, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

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